

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 3 APRIL 1998 AT 1008 HOURS IN  
JOHN KNOX CHURCH HALL, MAIN STREET, STEWARTON**

**PRESENT:** Councillors David Fulton, Kathleen Hall, Ann Hay, David Macrae, George Turnbull and Robert McDill.

**ATTENDING:** Bill Walkinshaw, Principal Administrative Officer; Jim Worley, Principal Planning Officer; John Trakalo, Senior Engineer, (Roads and Transportation); Hamish Buttle, Planning Officer; Alex Hewetson and Gillian Hamilton, Administrative Officers.

**APOLOGIES:** Councillor Jim O'Neill

**CHAIR:** Councillor David Fulton, Chair.

**CONSIDERATION OF PLANNING APPLICATIONS**

**1.1 PROCEDURE**

The Administrative Officer advised of the procedure for informal Hearings at Local Planning Committees.

**1.2 APPLICATION NO 97/0856/FL: D SHEARER AND J MCKINNA**

There was submitted a report dated 20 March 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed private dwellinghouse and smithy at land adjacent to Leahead, Aiket Road, Dunlop.

It was noted that Members of the Committee had attended a site visit prior to the meeting.

The Principal Planning Officer reported:-

- (i) that fourteen letters of objection, with sixteen signatories had been received, details of which were contained within the report;
- (ii) that a letter of representation from Dunlop and Lugton Community Council objecting to the application had been received, details of which were contained within the report;
- (iii) the receipt and content of additional information from the applicants; and
- (iv) the receipt of additional representations in response to alterations to the design of the proposed dwelling.

The Principal Planning Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons, viz:- (1) the proposed development is contrary to Strathclyde Structure Plan Policy CAT1 and CAT1A by virtue of the absence of a special locational need and adverse infrastructure implications; (2) the proposal, by virtue of the absence of a special locational need or relationship with and existing adjacent industrial activity, is contrary to Policy IN4 of the Finalised Kilmarnock and Loudoun District Plan; (3) the proposed dwellinghouse is outwith the urban boundary of Dunlop and does not accord with Policy HR2 of the Finalised

District Plan as the dwelling is not for the use of persons employed on a permanent basis in agriculture or forestry. There is insufficient justification for a dwelling contrary to this policy; (4) the proposed dwellinghouse does not accord with Policies HR2 and En12, insofar as the design is not in accordance with the rural character and architecture of the area, nor planning advice note 36 "The Siting and Design of Houses in the Countryside"; and (5) the required sightlines Division are not achievable and would therefore constitute a road hazard and would be contrary to Policy CAT1A of the Strathclyde Structure Plan, IN4 of the finalised Kilmarnock and Loudoun District Plan and HR2 of the Finalised Kilmarnock and Loudoun District Plan.

The Committee then heard Mr Kirk, Mr Sim and Mr Nardini in support of their objections, Mr McInally, representative of nine objectors, in support of their objections, and Mr McKay, representative of the applicants and D Shearer and J McKinna, applicants, in support of the application. Members asked questions of the objectors and their representative and the applicants and their representative. The representative of the applicants and the applicants and the objectors and their representative responded to the issues raised, all in accordance with the Hearing procedure.

The Principal Planning Officer provided further comment on the issues raised,.

It was agreed to refuse the application for the reasons detailed.

### **1.3 APPLICATION NO 98/0082/TP: EAST AYRSHIRE COUNCIL OUTDOOR SERVICES**

There was submitted a report dated 26 March 1998 (circulated) by the Head of Planning and Building Control on a Tree Preservation Order application for the proposed felling of one tree at Lainshaw Woods, David Dale Avenue, Stewarton

The Principal Planning Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions, viz:- (1) the elm tree shall be felled by a competent tree surgeon or arborist with all timber being removed from the site to the complete satisfaction of the Planning Authority; and (2) following the felling of the tree, a replacement oak tree shall be planted during the next available planting season within the immediate vicinity as the tree which is being felled; Condition (1) being imposed in the interest of public safety; and Condition (2) in the interests of amenity.

It was agreed to grant the application subject to the conditions and for the reasons detailed.

### **1.4 APPLICATION NO 98/0096/TP - MR AND MRS MACLEOD**

There was submitted a report dated 24 March 1998 (circulated) by the Head of Planning and Building Control on a Tree Preservation Order application for proposed felling of one Cherry Tree and removal of limbs on Sycamore at 102 Loudoun Road, Newmilns.

The Principal Planning Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following condition, viz:- the Cherry Tree shall be replaced by a tree of similar species which shall be planted not later than the next appropriate planting season after felling of the Cherry tree. Details of the location

and size of the replacement tree shall be agreed with the Planning Authority prior to its planting; being imposed in the interest of visual amenity.

It was agreed to grant the application subject to the following amended condition and for the reason detailed, viz:- "The Cherry Tree shall be replaced by a tree of similar species which shall be planted not later than the next appropriate planting season after felling of the Cherry tree. Details of the species, location and size of the replacement tree shall be agreed with the Planning Authority prior to its planting"; being imposed in the interest of visual amenity.

#### **1.5 APPLICATION NOS 97/0910/FL AND 97/0930/LB: MR AND MRS J MCBLANE**

There was submitted a report dated 24 March 1998 (circulated) by the Head of Planning and Building Control on a full planning application and listed building consent for proposed erection of covered access link at Hallhouse Nursing Home, Fenwick.

The Principal Planning Officer reported:

- (i) that a letter of representation from Fenwick Community Council objecting to the application had been received, details of which were contained within the report; and
- (ii) the receipt of an additional letter of representation from Fenwick Community Council requesting that the Committee continue consideration of the application until the outcome of an appeal by the applicant to the Secretary of State of Scotland is known, in respect of planning application No 97/0613/FL, which was refused by this Committee on 5 December 1997.

The Principal Planning Officer summarised the planning considerations in respect of the applications and gave the recommendation of the Head of Planning and Building Control: (i) Approval of the listed building application, subject to the notification of Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; (ii) Approval of the planning application subject to the following condition, viz:- the development to which this permission relates must be begun within five years from the date of this permission; being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and (iii) that no Planning decision be issued pending clearance by Historic Scotland of the listed building application.

The objectors were not present or represented.

The Committee then heard Mr McPherson, agent for the representative of the applicants, in support of the application, all in accordance with the Hearing procedure.

It was agreed (i) to grant the listed building application subject to the notification of Historic Scotland under the Planning (Listed Buildings and Conservation areas) (Scotland) Act 1997; and (ii) to grant the planning application subject to the condition and reason detailed; and (iii) that no Planning decision be issued pending clearance by Historic Scotland of the listed building application.

#### **1.6 APPLICATION NO 98/0052/FL: MRS JANICE MCFADZEAN**

There was submitted a report dated 17 March 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of

use from Newsagent/General Store to Coffee Shop/Hot Food Shop/Gift Shop at 14 Kilnholm Street, Newmilns.

The Principal Planning Officer reported:

- (i) the receipt of comments from the Economic Development Division stating support for conversion of vacant shops and that other locations in Newmilns town centre would not be suitable in terms of available parking and that the proposed development would be good for the local area; and
- (ii) the receipt and content of additional information from the applicant.

The Planning Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons, viz:- (1) the proposed development would be contrary to Policy C1 of the Kilmarnock and Loudoun Finalised District Plan which only permits hot food uses in town centre locations, shopping premises and traditional shopping areas; and (2) the proposed development would set an undesirable precedent for hot food uses outwith town centres to the detriment of policies trying to encourage new development to locate there.

The Committee then heard Mr Torrance, Mrs Torrance and Ms Lindsay in support of their objections and Mr Hamilton, representative of the applicant, in support of the application. An objector responded to an issue raised by the representative of the applicant, all in accordance with the Hearing procedure.

The Principal Planning Officer provided further comment on the issues raised.

It was agreed to refuse the application for the reasons detailed.

## **1.7 APPLICATION NO 98/0080/FL - HORIZON HOUSING ASSOCIATION LTD**

There was submitted a report dated 24 March 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed residential development at Ladeside Road, Kilmaurs.

The Principal Planning Officer reported that four letters of objection, with six signatories and one letter of representation had been received, details of which were contained within the report; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions, viz:- (1) the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission; (2) the proposed development shall be carried out in accordance with the application form and plans submitted on 4 February 1998 as revised by the composite elevations and section (AL(0)03) Plan, Accommodation Plan (0) 10-15 inclusive and site layout (Version F) (AL(0)02c) plan received by the Planning Authority on 5 March 1998; (3) notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site; and (4) details/samples of all external construction materials shall be submitted to and approved by the Planning Authority before any development commences on the site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that the development is carried out in accordance with the approved details; and Conditions (3) and (4) in the interests of visual amenity.

It was also reported that the applicants had not intimated they wished to address the Committee, either in person, or through a third party. The Committee then heard Mr Kirk, on behalf of three objectors, Mrs McKenna and Mrs Kuzmak, in support of their objections, all in accordance with the Hearing procedure.

It was agreed to grant the application subject to the conditions and for the reasons detailed and to Condition (3) being amended to read; "Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on site. These submitted details shall allow for the retention and appropriate improvement of existing boundary features, specifically the existing boundary wall"; in the interests of visual amenity.

Councillors Hay and McDill left the meeting at this point.

### **1.8 APPLICATION NO 97/0880/FL - MR A HANLAN**

There was submitted a report dated 24 March 1998 (circulated) by the Head of Planning and Building Control on a full planning for proposed erection of new single storey dwellinghouse and garage at 21 Jamieson Road, Darvel.

The Principal Planning Officer reported that no objections had been received; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions, viz:- Condition (1) The development to which this permission relates must be begun within five years from the date of this permission; Condition (2) the proposed development shall be carried out in accordance with the application form received on 3 December 1997 and the amended plans received by the Planning Authority on 10 March 1998; (3) notwithstanding the submitted plans details/samples of all external materials shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) the access shall be constructed to Roads Division Guidelines with kerbing adjacent to the public road and the first two metres of the driveway being surfaced in order to prevent deleterious material being deposited onto the public road; (5) a 2m wide service strip shall be provided adjacent to the public road. No new planting of heavy shrubs, bushes or trees or the erection of walls or other structures shall be undertaken within this area; (6) no gates which would prevent vehicular access shall be erected within 6m of the road edge; (7) the proposed driveway shall be prepared initially by hand and the main roots of the adjacent Scots pine trees shall be undisturbed by construction works; and (8) with the exception of the relocation of the 4 no. small pine trees from the eastern to the western boundary and removal of the sycamore tree from the south east of the plot, no trees shall be felled, lopped or have roots cut on the site without the written consent of the Planning Authority; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that development is carried out in accordance with the approved details; Condition (3) in the interests of visual amenity; Conditions (4), (5) and (6) in the interests of road safety; Condition (7) to ensure protection of the Scots pine trees from damage in the interests of visual amenity; and Condition (8) to accommodate the proposed development whilst retaining the existing trees in the interests of visual amenity.

It was agreed to grant the application subject to the conditions and for the reasons detailed

### **1.9 APPLICATION NO 97/0303/FL - CRUDENS ESTATES LTD**

There was submitted a report dated 24 March 1998 by the Head of Planning and Building Control on a full planning application for the erection of 18 two and three bedroom dwellinghouses, associated roadway and enhancement off right of way and partial removal of rail embankment at area to rear of Kirkland Park House, Kirkland Road, Darvel.

It was agreed:-

- (i) to defer consideration of this application to a Special Meeting of this Committee, to be held on a date and at a venue to be determined by the Chair; and
- (ii) to remit to the Director of Development Services, in consultation with the Director of Support Services to clarify the position in relation to an invitation to consultees, with stated objections to a planning application, to address this Committee.

### **1.10 APPLICATION NO 98/0003/FL - MR R HODGE**

There was submitted a report dated 24 March 1998 (circulated) by the Head of Planning and Building Control on a full planning application on demolition of existing buildings and erection of 6 holiday flats at Loudoun Mains Farm, Newmilns.

The Principal Planning Officer reported that no objections had been received; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) the proposed development shall be carried out in accordance with the application form and plans submitted on 13 December 1997 as revised by the layout plans received by the Planning Authority on 23 February and 9 March 1998; (3) notwithstanding the submitted plans, visibility splay areas of 2.5 metres by 60 metres, shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas; (4) notwithstanding the submitted plans, details of the proposed road widening insofar as it relates to the length of road to the east of the access shall be submitted to and approved by the Planning Authority prior to commencement of development on site; (5) the surface of the car parking areas shall form a hardstanding and shall be completed prior to the first occupancy of the flats; (6) notwithstanding the plans hereby approved any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker; (7) notwithstanding the plans hereby approved the roof shall be covered in natural slates; (8) notwithstanding the plans hereby approved, details/samples of the materials to be used shall be submitted to and approved by the Planning Authority before any development commences on site; (9) this consent shall not permit the occupancy of any of the flats by any party or individual to be in excess of 3 months in any 12 month period to the satisfaction of the Planning Authority; (10) notwithstanding the submitted plans, details of all boundary treatment shall be submitted to and approved by the Planning Authority before any development commences on the site; and (11) drainage over the improved section of the road shall be provided to the Roads Division standards; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997;

Condition (2) to ensure that the development is carried out in accordance with the approved details; Conditions (3), (4) and (11) in the interests of road safety; Condition (5) to ensure ease of use by all members of the community; Condition (6) in the interests of public safety; Condition (7) notwithstanding the plans hereby approved the roof shall be covered in natural slates; Condition (8) in the interests of visual amenity; Condition (9) this approval relates to tourist/leisure development and does not permit use on a permanent basis for residential purposes; and Condition (10) in the interests of visual amenity.

It was agreed to grant the application subject to the conditions and for the reasons detailed

#### **1.11 APPLICATION NO 98/0025/OL - MR AND MRS MCLEISH**

There was submitted a report dated 24 March 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed development of land for residential purposes at Priestland Mill, Priestland.

The Principal Planning Officer reported that one letter of objection and a letter of response from the applicant had been received, details of which were contained within the report; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reason, viz:- the proposed development would be detrimental to road safety and would be contrary to Policy HU3 of the Finalised District Plan by reason of there being insufficient sightlines within the applicant's control.

The Committee then heard Mr Higton in support of his objections, the applicant and Mr Steel, representative of the applicant, in support of the application. The objector responded to issues raised by the applicant and the representative of the applicant, all in accordance with the Hearing procedure.

The Principal Planning Officer provided further comment on the issues raised.

It was agreed to continue consideration of this application to a Special Meeting of this Committee, following a site visit, to be held on a date and at a venue to be determined by the Chair.

#### **1.12 APPLICATION NO 97/0765/OL - MR FINDLAY WHITE**

There was submitted a report dated 18 March 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed livery stables with associated one and a half storey dwellinghouse and garage at Burnhouse Field, Sorn Road, Galston.

It was agreed to defer consideration of this application to a Special Meeting of this Committee, following a site visit, to be held on a date and at a venue to be determined by the Chair.

The meeting terminated at 1225 hours.